

# Staff Summary Report



Hearing Officer Hearing Date: November 20, 2007

Agenda Item Number: 3

**SUBJECT:** This is a public hearing for a request by the **COCONUT CLUB BAR AND GRILL (PL070459)** located at 414 South Mill Avenue for one (1) use permit.

**DOCUMENT NAME:** 20071120dsac01

**PLANNED DEVELOPMENT (0406)**

**SUPPORTING DOCS:** Yes

**COMMENTS:** Hold a public hearing for a request by the **COCONUT CLUB BAR AND GRILL (PL070459)** (Jaong Woo, Applicant; Peter Crocoll/Mill Avenue Shops, property owner) located at 414 South Mill Avenue, Suite No. 215 in the CC, City Center District for:

**ZUP07172** Use permit to allow live entertainment.

**PREPARED BY:** Alan Como, Planner II (480-350-8439)

**REVIEWED BY:** Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359)

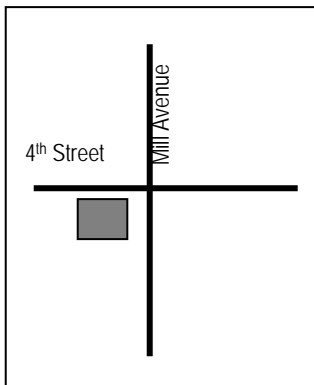
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**LEGAL REVIEW BY:** N/A

**FISCAL NOTE:** N/A

**RECOMMENDATION:** Staff – Approval subject to Conditions 1-10

**ADDITIONAL INFO:** The Coconut Club Bar and Grill is requesting a use permit to allow live entertainment (acoustical guitar live DJ, other live music) at a restaurant/bar located at 414 South Mill Avenue, Suite No. 215 in the CC, City Center District. To date, no public input has been on this request. In that this existing use is not out of character with the area's existing retail and commercial businesses, staff recommends approval of the use permit request with attached conditions.



**PAGES:**

1. List of Attachments
2. Comments; Reason for Approval
3. Conditions of Approval; History & Facts/Description; Zoning & Development Code Reference

**ATTACHMENTS:**

1. Location Map(s)
2. Aerial Photo(s)
3. Letter of Intent
4. Site plan
- 5-7 Staff Photograph(s)

## COMMENTS:

The Coconut Club Bar and Grill is requesting a use permit to allow live entertainment at a restaurant/bar located at 414 South Mill Avenue, Suite No. 215 in the CC, City Center District. The live entertainment will consist of live acoustic bands, a live DJ, and possibly other live musical acts on a daily basis. The Police Department has received complaints regarding noise and the amplification of music from within the club onto Mill Avenue, which led to the discovery that the present owners of the Coconut Club Bar and Grill did not have a use permit for live entertainment.

To date, staff has received no public input on this request.

## Use Permit

The Zoning and Development Code requires live entertainment to obtain a use permit in the CC, City Center District. This use permit request meets all applicable tests in the following manner:

Evaluating the use permit, the proposal appears to pass the use permit test listed below:

- a. Any significant increase in vehicular or pedestrian traffic in adjacent areas;
  - There will be no significant increase in vehicular or pedestrian traffic in adjacent areas.
- b. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions;
  - This use is similar to others in the area; sound from music will have to conform to the noise ordinance.
- c. Contribution to the deterioration of the neighborhood or to the downgrading of property values which is in conflict with the goals, objectives or policies for rehabilitation, redevelopment or conservation as set forth in the City's adopted plans, or General Plan;
  - The proposed requested use would not contribute to neighborhood deterioration or downgrade property values.
- d. Compatibility with existing surrounding structures and uses;
  - The proposed requested use would not contribute to neighborhood deterioration or downgrade property values.

## Conclusion

Staff recommends approval of the use permit, subject to the conditions of approval.

## REASON(S) FOR APPROVAL:

1. The business is a general commercial use (restaurant/bar), and is compatible with the other businesses on the property and within the area.
2. No apparent nuisance resulting from noise, smoke, odor, dust, vibration, or glare.
3. No apparent hazards to persons or property from possible explosion, contamination, fire or flood.

**SHOULD THE HEARING OFFICER ELECT TO TAKE AFFIRMATIVE ACTION ON THE REQUEST, THE FOLLOWING CONDITIONS OF APPROVAL SHOULD APPLY.**

**CONDITION(S)  
OF APPROVAL:**

1. This use permit is valid for "Coconut Club Bar and Grill "and is non-transferable. Should the business be sold, the new owners must contact the Board of Adjustment/Hearing Officer staff and apply for a new use permit.
2. All permits and clearances required by the Building Safety Division shall be obtained prior to the use permit becoming effective.
3. The live entertainment shall be indoors only, no live entertainment will be allowed on the exterior patio.
4. If there are any complaints arising from the use permit that are verified by a consensus of the complaining party and the City Attorney's office, the use permit will be reviewed by city staff to determine the need for a public hearing to re-evaluate the appropriateness of the use permit.
5. Any expansion or intensification of the use will require review of the use permit.
5. The use permit is valid for the plans as submitted within this application.
6. The restaurant Coconut Club Bar and Grill will adhere to the City of Tempe Noise Ordinance.
7. No speakers will be allowed outdoors, nor directed towards an open door or window.
8. No open windows will be allowed during performances.
9. The applicant shall work with the Tempe Police Department to implement a Security Plan for the business by **December 21, 2007**. (Contact Derek Pittam 480-858-6341)

**HISTORY & FACTS:**

October 17, 2007      CM071388: Complaint about Restaurant having Live Entertainment without a Use Permit.

**DESCRIPTION:**

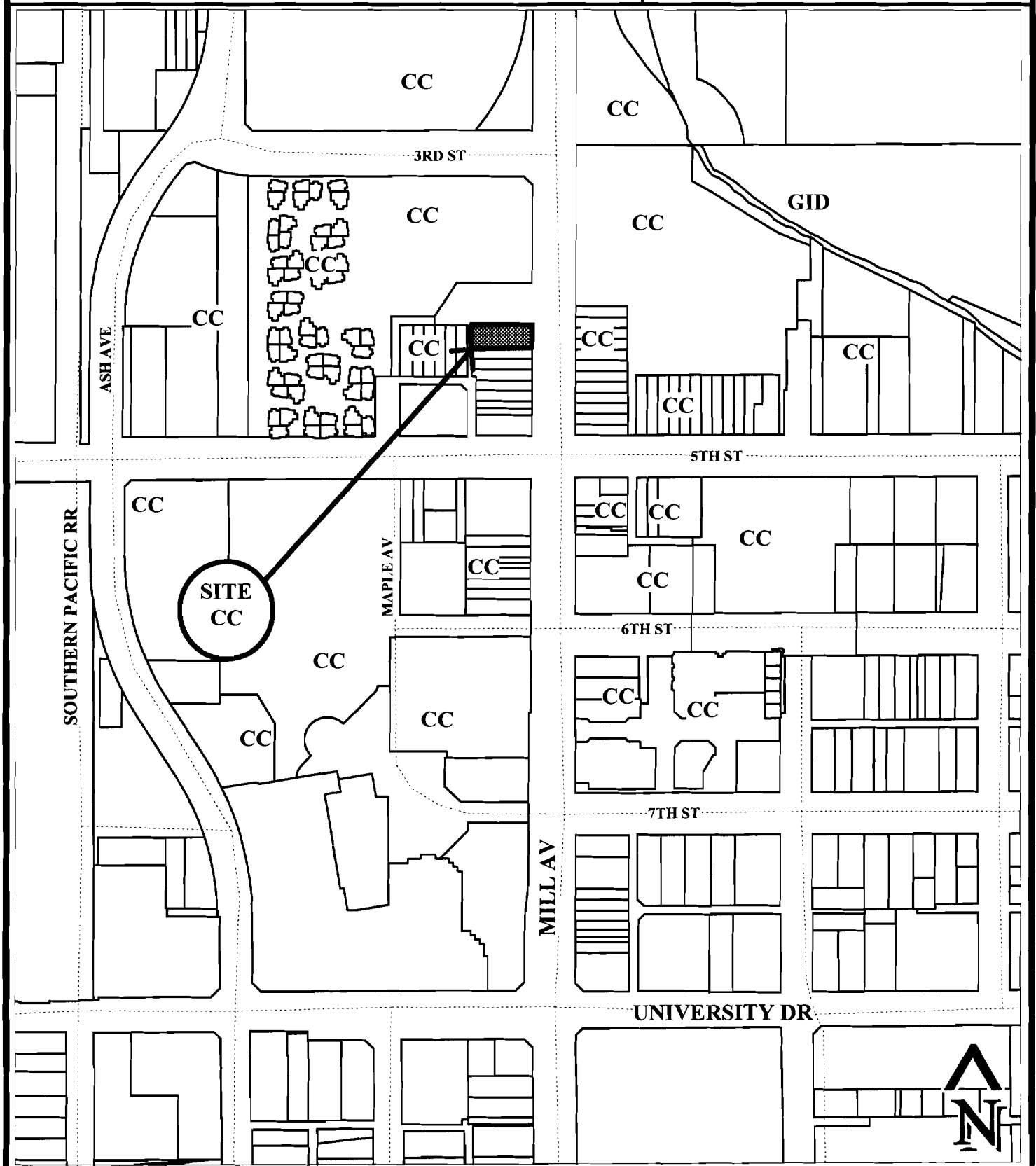
Owner – Mill Avenue Shops  
Applicant – Jaong Woo  
Existing Zoning – CC, City Center District  
Suite No. – 215

**ZONING AND  
DEVELOPMENT  
CODE REFERENCE:**

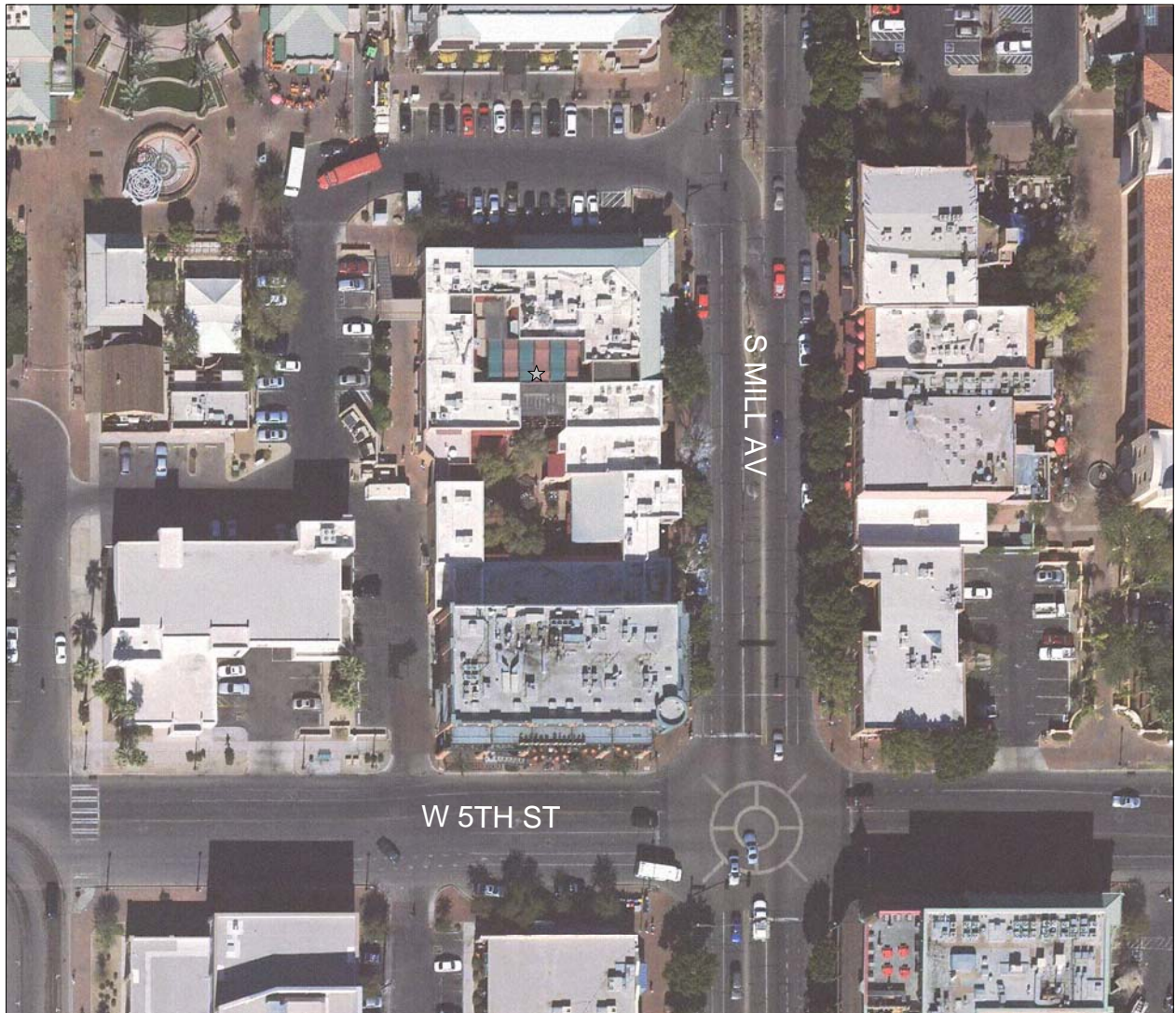
Part 3, Chapter 2, Section 3-202, Table 3-202A – Permitted Land Uses in CC, City Center District.  
  
Part 6, Chapter 3, Section 6-308 – Use Permit

# COCONUT CLUB BAR & GRILL

PL070459



**Location Map**



COCONUT CLUB BAR AND GRILL (PL070459)

October 22, 2007

Jaong Woo  
414 S Mill Ave Ste 215  
Tempe, AZ 85281

To Whom It May Concern:

We, the Coconut Club, would like to obtain a use permit and we intend to use it for the following purposes:

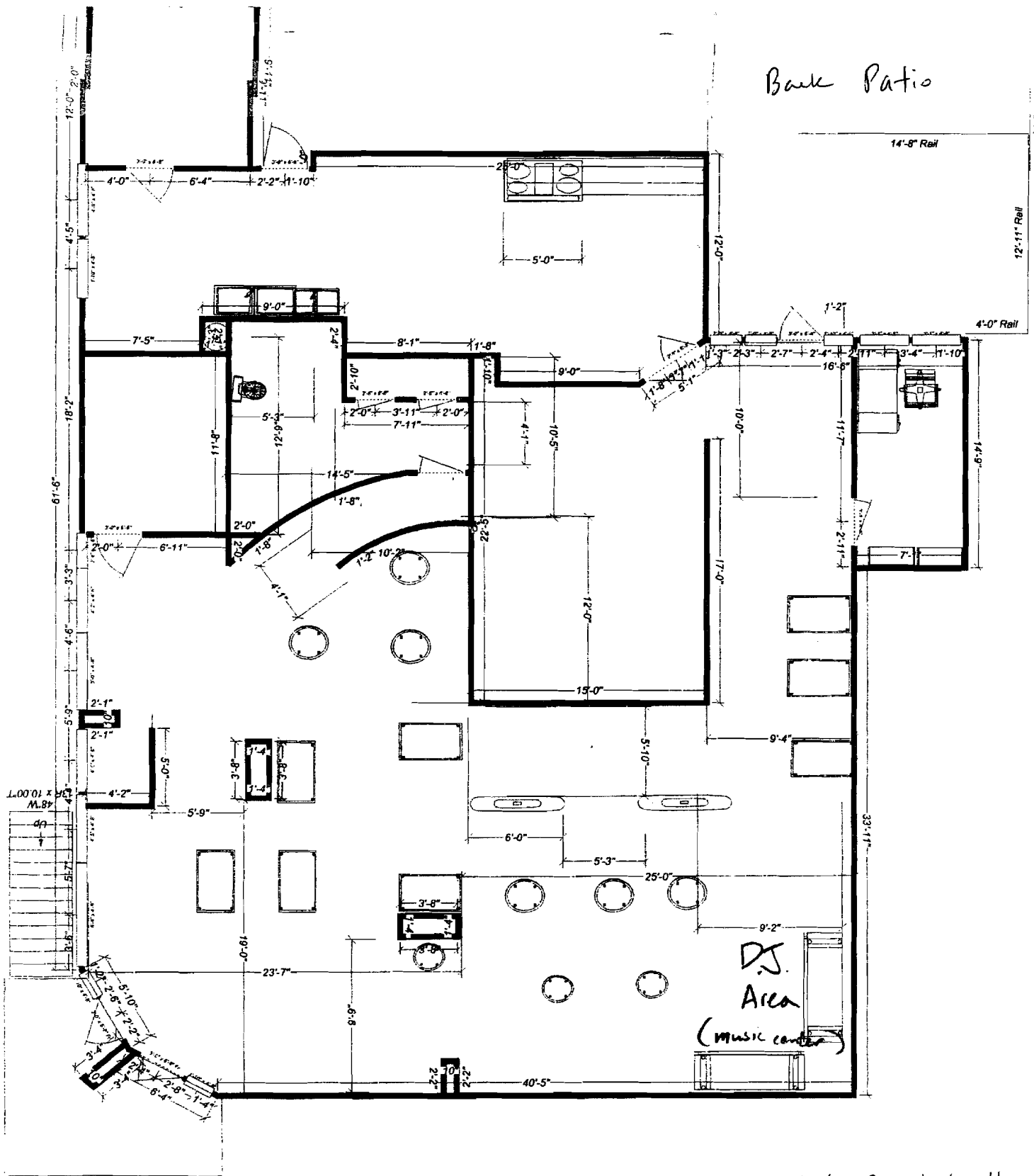
1. To have a live DJ between the hours of 9pm and 2am daily
2. To have 1-2 person soft acoustic bands between the hours of 4pm and 9pm daily
3. To have live entertainment daily
4. To be able to have music in our patio after 6pm daily
5. To have the ability to have speakers located outside of our entrances/exits after 9pm daily

If you have any questions and/or concerns, please feel free to contact Duane Sherry at (480) 966-2228 or [coconutclubbarandgrill@yahoo.com](mailto:coconutclubbarandgrill@yahoo.com)

Sincerely,

Jaong Woo

Back Patio



Front patio/Entrance.

Coconut Club Bar: Grill  
 414 S. mill Ave #215  
 Tempe AZ 85281





**COCONUT CLUB**

**414 S MILL AVE**

**PL070459**

**FRONT OF BUSINESS: VIEW TO WEST**



**COCONUT CLUB**

**414 S MILL AVE**

**PL070459**

**FRONT OF BUSINESS**



